Strengthening Environmental Enforcement in California

November 14, 2007

New Enforcement Approach

- Cal/EPA as the leader of decentralized environmental enforcement system

- Partnerships of Cal/EPA, Attorney General, District Attorneys and regional and local regulatory partners

- This approach taught at various training events (Cal/EPA Enforcement Symposium, CUPA Conference and CDAA)

The Results: Multi-County and Statewide Enforcement Cases

- Peo. v. 7-11 (2004 UST violations)
- Peo. v. Lenscrafters (2005 haz. waste)
- Peo. v. SBC (2006 UST violations)
- Peo. v. AutoZone (2007 haz. waste and haz. materials)
- Peo. v. Pilot Travel Centers (2007 UST violations)
- Peo. v. Home Depot (2007 haz. waste and haz. materials)

Other Environmental Enforcement Cases of Interest

Most administrative and civil environmental enforcement actions in California are taken by local agencies and are not reported to Cal/EPA. Certain administrative and civil enforcement actions of multi county or statewide interest have been made available to Cal/EPA and are searchable on the link below. Please note that this is not a complete listing of such cases. The links are downloadable PDF files.

≫ **People of the State of California v. Sierra Pacific Industries, Inc. Complaint** | **Judgment** (2007)

≫ **People of the State of California v Autozone, Inc.** Complaint | Judgment (2007)

≫ **People of the State of California v. Pacific Bell dba AT&T (SBC)** Complaint | Judgment (2006)

≫ **People of the State of California v. MIT Engineering & Construction, Inc.** Complaint | Judgment (2005)

≫ **People of the State of California v. Lenscrafters, Inc.** Complaint | Judgment (2005)

≫ **People of the State of California v. 7-Eleven, Inc.** Complaint | Judgment (2004)
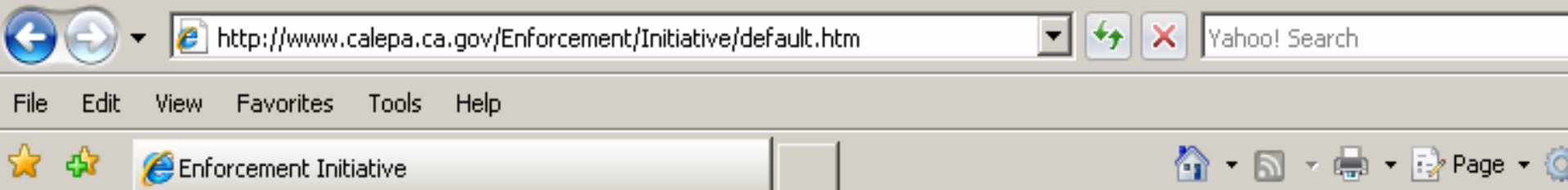
Office of the Secretary Enforcement Orders

≫ **People of the State of California v. Atlantic Richfield Company, et al.**

Improving Enforcement: The First Steps

- 2003-2004 Assessment conducted
- 2005 Enforcement Initiative teams created
- 2006-2007 Teams met and developed recommendations
- For more information:

  http://www.calepa.ca.gov/Enforcement/Initiative/default.htm

http://www.calepa.ca.gov/Enforcement/Initiative/default.htm

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Enforcement Initiative

California
**Environmental
Protection Agency**

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Enforcement Initiative

Cal/EPA has conducted an assessment that identified opportunities to strengthen existing enforcement efforts and reduce pollution. Essential to an effective enforcement effort are s key elements:

1) focus on activities that present the greatest risk to the environment;
2) place an emphasis on those outside the regulatory net and chronic violators, and;
3) clearly defined compliance with adequate, consistent enforcement.

Cal/EPA and its boards and departments are directed by the Governor's Action Plan for th Environment to be implemented through the Cal/EPA Enforcement Initiative:

» Governor's Action Agenda

» Status Report on the Implementation of the Cross-Agency Enforcement Initiative (PI

Cal/EPA Actions on Enforcement Teams' Recommendations

Nov. 1, 2007 Secretary Adams issued documents that:

- institutionalized recommendations made by the Enforcement Initiative teams

- created permanent steering committees and

- redirected resources to address issues identified by the teams

New Steering Committees

- Enforcement Steering Committee
- Enforcement Program Operational Plan
- Enforcement Training
- Enforceable Permits
- Enforcement Performance Measures
- Single Complaint Tracking
- Environmental Data Exchange

Enforcement Steering Committee

- Chaired by Cal/EPA Deputy Secretary for Law Enforcement and Counsel

- Members are the Enforcement Chiefs for each Cal/EPA Board and Department

- Serves as advisory committee for the further development of the Enforcement Initiative.

Enforcement Program Operational Plan Steering Committee

Purpose:

 Develop an enforcement program model plan that will serve as a template for all Cal/EPA programs.

Next Steps:

Model plan developed by the EPOPS Team will be reviewed by the Enforcement Steering Committee.

Enforcement Training Steering Committee

Purpose:

- Develop Cal/EPA enforcement training strategies

- Improve delivery of training, esp. to regional locations

- Perform periodic assessments of training needs

Enforcement Training Steering Committee

Actions in 2007:

- Increasing the training sessions that are videotaped (CUPA Conference, Symposium)

- Developing on line training

- Developing enforcement "library" of existing training materials

/EPA Online Training

/EPA ► BIA_GUEST

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January 2007
/EPA Basic
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GUEST

Topic outline

Welcome to the GUEST ACCESS online portion of the
Cal/EPA Basic Inspector Academy!

This online course is the first of a two-part course and needs to be completed BEFORE attending the classroom portion. Students will receive a Certificate of Completion after finishing both portions of the course.

Please feel free to browse through the different modules. As a guest you will not be able to take the tests or complete the evaulation form.

If you want to sign up for the class, go to
http://www.calepa.ca.gov/Enforcement/Training/Academy.htm .

Enjoy!

Calendar

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Global
events

Enforcement Training Steering Committee

Next steps:

Each Board and Department will loan a staff person to work on Enforcement training such as Cal/EPA Basic Inspector Academy and the Cal/EPA Enforcement Symposium

Enforceable Permits Steering Committee

Purpose: To identify permit barriers to enforcement; to improve clarity of what constitutes "compliance".

Next Actions:

- Develop recommendations from the staff Survey conducted
- Develop a pilot project for team approach by permit writing and enforcement staff

Performance Measures Steering Committee

- Created in 2007
- Developing elements of enforcement reports
- Establishing guidelines for reports on enforcement due in 2008

Single Complaint Tracking Steering Committee

"File an Environmental Complaint" button or link is on every main page of Cal/EPA and its BDOs.

Complaint Information:

Provide information about the complaint. If you do not know the address, please provide a description of the location (lik "corner of 1st St. and River Blvd.").

Address: [   ]

[   ]

City: [   ] , CA   ZIP Code: [   ]

County: [Select   ▾]

Location Description: [   ]

Provide information about the facility, company or person who is allegedly responsible for this problem.

☐ Check here if address is the same as above.

Name: [   ]

Address: [   ]

Single Complaint Tracking System Steering Committee

Next steps:

- Establish tracking and reporting systems to provide for follow up and ensure action on complaints

- U.S. EPA grant to connect the complaint system to the CUPA data system

Environmental Data Exchange Steering Committee

Purpose: to share data between the 60 plus data systems within Cal/EPA

Next Actions:

- Improve the pilot system currently on the Cal/EPA Intranet that exchanges data between 14 data systems

- Get the data exchange system on the Internet

nvironmental Data Exchange (EDE)
lot Facility Database (internal use only)

Search

| Search On | | (Search Suggestions/Hints) |

/Facility Name: [Contains ▼] [_____]

Address: [Contains ▼] [_____]

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ZIP Code: [Equals ▼] [_____]

County: [-- All Counties -- ▼]

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Done, but with errors on page.

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Other Enforcement Improvements

- All Cal/EPA Boards and Departments have developed prosecutor referral policies

- New CUPA "Guidance on Violation Classification" requires formal enforcement action be taken on all "class 1" violations. http://www.calepa.ca.gov/CUPA/Resources/

- Possible pilot projects to test alternate inspection frequencies and compliance strategies

Targeted Enforcement

- New E waste enforcement teams at IWMB and DTSC.

- DTSC hired Cal/EPA's first forensic accountant

- DTSC teamed with Contractors State Licensing Board @ Angora and San Diego fire sites.

- DTSC Stings